

Attachment 1

Authorization and Eligibility Requirements

This attachment addresses the requirement to provide a copy of documentation, such as a resolution adopted by the applicant's governing body, designating an authorized representative to file an application for an IRWM Implementation Grant and enter into an agreement with the State of California.

This Attachment 1 includes the following Sections:

Authorizing Documentation	Page 2
Eligible Applicant Documentation	Page 2
GWMP Compliance	Page 2
Compliance with CWC §83002.(b)(3)(B)	Page 5
Consistency with Adopted IRWM Plan	Page 5
Appendix A: Memorandum of Understanding	Page 9
Appendix B	Provided on CD

ATTACHMENT 1
AUTHORIZATION AND ELIGIBILITY REQUIREMENTS
UPPER SANTA MARGARITA WATERSHED PLANNING REGION
IRWM PROP 84 ROUND 1 IMPLEMENTATION PROPOSAL

Authorizing Documentation

A Memorandum of Understanding (MOU) was approved on August 31, 2010 by the governing bodies of Rancho California Water District (RCWD), Riverside County Flood Control and Water Conservation District, and the County of Riverside. The MOU authorizes the General Manager of RCWD to submit grant applications for Integrated Regional Water Management Planning and Implementation grants to the California Department of Water Resources or other State or Federal Departments on behalf of the aforementioned agencies.

Eligible Applicant Documentation

The MOU additionally authorizes the General Manager of RCWD to enter into agreements with the State of California for the IRWM Planning and Implementation Grants. RCWD is a local agency as defined in Appendix B of the Guidelines, and has authority to enter into a grant agreement with the State of California, per the MOU. The MOU also describes the legal agreements among the RWMG that ensure the performance of the Proposal and tracking of funds.

A copy of approved MOU is provided in Appendix A of this attachment.

GWMP Compliance

Proposed Projects with Positive Groundwater Recharge Impacts

The Proposal will positively impact groundwater in the Upper Santa Margarita River Watershed, which includes the Temecula-Murrieta Basin and its sub basins.

The Vail Lake Stabilization and Conjunctive Use Project will specifically benefit the Pauba Groundwater Basin. The Project will convey imported untreated water acquired from the Metropolitan Water District of Southern California (MWD) Pipeline No. 6, turnout EM-21 for transmission to and storage in Vail Lake and subsequent groundwater recharge in the Upper Valle De Los Caballos (VDC) Recharge Ponds.

The WR-34 Hydroelectric Power Generation Project will provide consistent and reliable water supply in the Santa Margarita River that will provide beneficial groundwater impacts through natural replenishment. Maintaining base flows in the Santa Margarita River and other physical, hydrological, and biological processes and conditions, including river groundwater, are critical to maintaining the high resource values of the river system.

Agency Responsible for Implementation of Proposed Projects

Both the Vail Lake Stabilization and Conjunctive Use Project and the WR-34 Hydroelectric Power Generation Project will be implemented by the Rancho California Water District (RCWD/District).

Status of Groundwater Management Plan (GWMP) Compliance

The RCWD receives groundwater from the Temecula-Murrieta Basin (Basin), also known as the Temecula Valley Basin, which underlies several valleys in southwestern Riverside County and a portion of northern San Diego County, within the Santa Margarita River Watershed. Two aquifers within the Basin – the Pauba aquifer and the Temecula aquifer – include eight underlying groundwater basins, which are based upon surface water hydrology subbasins.

The Basin has been governed under court jurisdiction since 1928, as part of the Santa Margarita River Watershed system. In 1940, a San Diego Superior Court Stipulated Judgment (“1940 Judgment”) was issued directing the use and allocation of groundwater in the region. In 1963, a Final Judgment and Decree was issued further defining the use of groundwater in the region, and in April 1966, a Modified Final Judgment and Decree (U.S. v. Fallbrook Case 1247/“Fallbrook Case”) was entered incorporating interlocutory judgments and the 1940 Stipulated Judgment. Additional actions for water use include the following: Application No. 11518 for Appropriation Permit 7032 was filed in 1946, Permit 7032 was issued in 1948 and the State Water Resources Control Board issued the Amended Permit 7032 to RCWD in 2009.

These judgments followed by years of disputes over their interpretation by multiple parties, including the Federal government (U.S. Marine Corps Camp Pendleton) over water use in the watershed basins, citing the judgments did not fully meet the needs of the parties for effective water management. Finally, after many years, a settlement agreement, “*Cooperative Water Resource Management Agreement between Camp Pendleton and Rancho California Water District*”, was reached and executed in March 2002. This agreement more effectively implements the previous judgments (1940 Judgment and Fallbrook Case) and remains in place today to manage surface water flow in the Santa Margarita River and use of the Temecula-Murrieta Basin.

Further, in December 2006, a ‘Groundwater Management Agreement between Rancho California Water District and the Pechanga Band of Luiseno Mission Indians’ was executed to govern the management of groundwater pumping from the Wolf Valley Groundwater Basin in a manner not to exceed the safe yield that protects groundwater resources in the Wolf Valley Groundwater Basin for present and future uses. The Wolf Valley Groundwater Basin is a sub-basin of the Temecula-Murrieta Basin.

To further manage water in the region, a Watermaster was assigned by the court to oversee all uses within the Santa Margarita River Watershed, which includes three groundwater basins: the Santa Margarita Groundwater Basin, the Anza Groundwater Basin, and the Temecula-Murrieta Groundwater Basin. These basins underlie portions of the MWD member agency service areas of San Diego County Water Authority, Eastern Municipal Water District and Western Municipal Water District, and the Pechanga Indian Reservation overlies some of the southwestern part of the Temecula-Murrieta Basin. The Watermaster works cooperatively with a steering committee comprised of entities within the watershed and overlying the groundwater basin. The Watermaster prepares the “Santa Margarita Watershed Annual Watermaster Report”, which provides annual reporting of water conditions in the watershed, but does not manage the groundwater basins. The Annual Watermaster Report, prepared pursuant to the U.S. District

Court Order, March 13, 1989, includes information on surface and subsurface water, imports and exports, water rights, water production and use, threats to water supply, water quality, review of agreements, and Watermaster five-year projection of activities. The Court has retained jurisdiction over all surface flows of the Santa Margarita River Watershed and all underground waters determined by the Court to be subsurface flow of streams or creeks or which is determined by the Court to add to, support or contribute to the Santa Margarita River stream system. Local vagrant groundwaters that do not support the Santa Margarita River stream system are outside the Court jurisdiction.

Although considered an adjudicated basin based on the judgments, specific water rights have not been assigned and a traditional groundwater management plan has not been prepared. Rather, the District works cooperatively with the Watermaster to 1) manage the basin on a watershed-wide basis through the Court jurisdiction, using the Annual Watermaster Report, groundwater management agreement, and cooperative water resource agreement, 2) implement projects through the Upper Santa Margarita Watershed Planning Region IRWMP, and 3) prepare an annual groundwater hydrogeologic assessment, "*Recommended Ground Water Production*", that continuously guides the management of the Temecula-Murrieta Basin on a sustainable safe yield basis. As a result of the extensive litigation, the annual groundwater production report includes a comprehensive groundwater model covering the area of the region's watershed, making the Temecula-Murrieta Basin one of the most studied basin's in the state.

The Temecula-Murrieta Basin is also included in MWD's Groundwater Assessment Study (September 2007), which the District also utilizes to help manage the Basin.

Collectively, the Court judgments, groundwater management and cooperative agreements, RCWD's annual groundwater production reports, Watermaster annual report, and MWD's Groundwater Assessment Study meet the requirements of a groundwater management plan pursuant to CWC 10753.7. These documents address the following:

- Basin management objectives,
- Monitoring and management of groundwater levels,
- Monitoring of inelastic land surface subsidence,
- Monitoring protocols,
- Groundwater quality,
- Surface flows and quality,
- Map of the groundwater basin and the area subject to requirements of groundwater management, and
- Cooperatively working with public entities within the watershed and overlying the groundwater basin.

To support GWMP Compliance, Appendix B contains copies of the following referenced documents:

1. Santa Margarita River Watershed Annual Watermaster Report, Water Year 2008-09, Charles W. Binder, Watermaster, September 2010
2. Recommended Ground Water Production, Fiscal Year July 1, 2010 through June 30, 2011, Rancho California Water District, January 8, 2010

3. Permit for Diversion and Use of Water, Amended Permit 7032, Temecula Creek/Santa Margarita River for use in Vail Lake and District M&I by Rancho California Water District, April 22, 2009 and 1946 Application to Appropriate Unappropriated Water.
4. Metropolitan Water District of Southern California, Final Groundwater Assessment Study, September 2007
5. Groundwater Management Agreement, Rancho California and Pechanga Band of Luiseno Mission Indians, December 21, 2006
6. Cooperative Water Resource Management Agreement between Camp Pendleton and Rancho California Water District, March 2002).

Conclusion

Based on recent resolution of the lengthy and extensive litigation in the watershed on water rights and use, Rancho California Water District will seek to work cooperatively with the entities in the affected groundwater basin area toward bringing together the components of the documents listed above that govern surface and groundwater management in the watershed into a single groundwater management plan, while understanding the governing Court documents and agreement remain the authoritative jurisdiction.

Compliance with CWC §83002.(b)(3)(B)

Eligibility has been established by the adoption of the region's IRWM Plan prior to September 30, 2008.

Consistency with an Adopted IRWM Plan

The Upper Santa Margarita Watershed Planning Region IRWM Implementation Proposal includes a suite of five projects that, when implemented both individually and collectively, will provide multiple water supply, water quality and environmental benefits.

The projects include the following:

1. Vail Lake Stabilization and Conjunctive Use Project
2. Agricultural Irrigation Efficiency Program
3. WR-34 Hydroelectric Power Generation Project
4. Water Quality Enhancement in Riverside County
5. Implementing Nutrient Management in the Santa Margarita River Watershed-Phase I

These projects are described in detail in Sections 2 through 6 of the Work Plan in Attachment 3. Figure 1 in Attachment 3 provides a Regional Map that shows the location of each of these projects within the region. Additionally, a Project Map is provided for each project under the respective section.

Two summary tables (Tables A and B) are also included in Attachment 3 to provide a high level overview of the projects and to orient the reader. These should be used as summary tables since the detailed information pertaining to each project is located within each of the projects dedicated section (Sections 2 through 6).

Goals and Objectives

The vision of the IRWM Plan as established by the Upper Santa Margarita Watershed stakeholders is stated as:

“The IRWM Plan will take a balanced and consensus-based approach that will provide for the protection and sustainability of the Upper Santa Margarita Watershed’s water resources, natural resources, and habitats.”

Based on this vision, the following goals and objectives were developed for the Approved IRWM Plan. The proposed Work Plan goals and objectives are consistent with the IRWMP Plan listed below:

1. Develop more reliable and diverse portfolio of water supplies
2. Promote economic, social and environmental sustainability
3. Improve water quality
4. Restore, enhance and maintain habitats and open space
5. Manage floodplain impacts
6. Account for recreational opportunities
7. Implement effective land use planning
8. Increase stakeholder involvement

The projects included in this proposal all serve to meet these goals and objectives. The emphasis in the selected projects is to maximize water resources, as shown in that all five of the projects are specifically water resources projects. Table A illustrates which projects included in this Proposal directly and indirectly meet the goals and objectives listed above.

Table A
Projects Meeting the IWMP Plan Goals and Objectives

	Vail Lake Stabilization and Conjunctive Use Project	Agricultural Irrigation Efficiency Program	Hydroelectric Power Generation Project	Water Quality Enhancement in Riverside County	Nutrient Management in the Santa Margarita River Watershed
Develop more reliable and diverse portfolio of water supplies	●	●	○	●	○
Promote economic, social and environmental sustainability	●	●	●	●	
Improve water quality	○	●	●	●	●
Restore, enhance and maintain habitats and open space	○			●	
Manage floodplain impacts		●		●	
Account for recreational	●			●	

opportunities					
Implement effective land use planning	○	○		●	
Increase stakeholder involvement		●		●	○

- Directly contribute to this goal
- Indirectly or somewhat contribute to this goal

With these goals in mind, the proposed projects listed above were selected by the Stakeholders for inclusion in this Proposal. Table B in the Work Plan serves to provide the reader with a general sense of the project's components and where the project currently is to date. Summarized in Table B is the project abstract, the current status of the project, the permit requirements associated with the project and respective status (including CEQA and other permits), any required proceeding work items and their respective status as well as a list of supplemental material included in this Proposal. The supplemental materials that are included are specifically supporting design plans, specification, studies specific to the project, and other documents that support the projects.

Purpose and Need:

The purpose of the Proposal is to further meet the goals and objectives listed above for the region by implementing projects that are in line with the stated goals and objectives. As shown by the listed goals and objectives, the need to improve water quality and increase water supply has been identified, and the primary purpose of the suite of projects included in the Proposal serves to bring the region closer to meeting those needs.

Project Adoption

Implementation projects in this proposal were adopted by the Upper Santa Margarita Watershed Regional Water Management Group and Stakeholder Advisory Committee after review, ranking, and discussion at stakeholder workshops on September 8, 2010 and November 24, 2010. The implementation projects were documented as consistent with the adopted IRWMP and consistent with the procedures for adding projects to the IRWMP after adoption. An Addendum to the Upper Santa Margarita IRWMP was prepared, reviewed, and adopted on September 8, 2010 by the Upper Santa Margarita Regional Water Management Group and Stakeholder Advisory Committee. Please refer to Appendix B to view the Addendum and September 8, 2010 and November 24, 2010 stakeholder workshop meeting notes.

The five implementation projects are consistent with the IRWMP because they meet the IRWMP Goals and Objectives as summarized in the table below. Greater detail explaining the implementation projects' consistency with the IRWMP is provided in Attachment 3 Work Plan, Section 1.

Table A
Projects Meeting the IRWMP Plan Goals and Objectives

	Vail Lake Stabilization and Conjunctive Use Project	Agricultural Irrigation Efficiency Program	Hydroelectric Power Generation Project	Water Quality Enhancement in Riverside County	Nutrient Management in the Santa Margarita River Watershed
Develop more reliable and diverse portfolio of water supplies	●	●	○	●	○
Promote economic, social and environmental sustainability	●	●	●	●	
Improve water quality	○	●	●	●	●
Restore, enhance and maintain habitats and open space	○			●	
Manage floodplain impacts		●		●	
Account for recreational opportunities	●			●	
Implement effective land use planning	○	○		●	
Increase stakeholder involvement		●		●	○

- Directly contribute to this goal
- Indirectly or somewhat contribute to this goal

Appendix A

Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING
TO CONDUCT INTEGRATED REGIONAL WATER MANAGEMENT PLANNING
FOR THE UPPER SANTA MARGARITA WATERSHED**

This Memorandum of Understanding ("MOU") is made and entered into this 31st day of August 2010 ("Effective Date") among the RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the COUNTY OF RIVERSIDE, hereinafter called "COUNTY", and the RANCHO CALIFORNIA WATER DISTRICT, hereinafter called "RCWD".

RECITALS

A. WHEREAS, the Department of Water Resources is administering a grant program for Integrated Regional Water Management or "IRWM" Planning and;

B. WHEREAS, DISTRICT, COUNTY, and RCWD, each hereinafter individually called "AGENCY" and collectively "AGENCIES", are willing to cooperate and work collaboratively with the stakeholders of the Upper Santa Margarita Watershed in Riverside County to prepare the IRWM Plan for the geographic area described on Exhibit 'A' attached hereto ("Planning Region") as accepted by the Department of Water Resources in the Regional Acceptance Process; and

C. WHEREAS, the AGENCIES collectively cover the entire planning area to be covered by this IRWM Plan that contains significant need for major public infrastructure and conservation projects; and

D. WHEREAS, the AGENCIES collectively have made significant investments in planning for flood control, management and water conservation, water supply and reliability, recycled water, habitat preservation and conservation and related water management strategies; and

E. WHEREAS, the AGENCIES collectively and with the Stakeholder Advisory Committee represent all entities significant to water management planning in the area; and

F. WHEREAS, the AGENCIES have the authority and willingness to act in the best interest of the Planning Region in planning and implementing IRWM efforts; and

G. WHEREAS, the AGENCIES are committed to conduct planning efforts in an open accessible process including the Stakeholder Advisory Committee and the public; and

H. WHEREAS, RCWD is willing to take the lead funding role in contracting for planning, making application for funding and implementing funded efforts on behalf of Eastern Municipal Water District and Western Municipal Water District and the Planning Region; and

I. WHEREAS, the AGENCIES have the institutional and fiscal capacity and systems to carry out planning and implementation efforts; and

J. WHEREAS, the AGENCIES are willing to provide funding or in-kind assistance as set forth herein and as mutually agreeable in separate board actions; and

K. WHEREAS, the AGENCIES previously executed a Memorandum of Understanding in 2007, which expires on December 31, 2010 and all AGENCIES wish to continue the efforts under this agreement which supersedes the 2007 agreement; and

L. WHEREAS, The AGENCIES will each benefit from their participation in this MOU.

NOW, THEREFORE, the AGENCIES hereby mutually agree as follows:

1. RCWD shall facilitate the completion of work required to collect and compile existing plans and current information into an IRWM Plan and submit a grant application to the State for funding consideration.

2. Each AGENCY hereby designates its General Manager or Chief Executive to represent its board as the person charged with the authority to review and approve the IRWM Plan for the Planning Region or extending this agreement.

3. The MOU authorizes that applications be made to the California Department of Water Resources or other State or Federal Departments to obtain Integrated Regional Water Management Planning and Implementation Grants pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resource Code Section 75001 et seq.), and the Disaster Preparedness and Flood Prevention Bond Act of 2006, (Public Resource Code Section 7096 et seq.), or future sources of funding and to enter into agreements to receive grant funds for the Upper Santa Margarita IRWM Watershed Planning area. The General Manager of RCWD is hereby authorized and directed to prepare the necessary data, conduct investigations, file such applications, and execute grant agreements with the California Department of Water Resources, contract to disburse funds to designated partners or sub-grantees, and to make changes as needed to contracts or other documents to implement the IRWM process to the benefit of the Planning Region.

4. This MOU authorizes the establishment of a Stakeholder Advisory Committee (hereinafter "Committee") subject to the terms of this MOU and any applicable rules that the AGENCIES may promulgate. The AGENCIES will review and select by consensus the members of the Committee from stakeholder organizations in the Planning Region. Stakeholders represent their agency or organization and serve at the pleasure of the AGENCIES and may not be required to contribute funds except in-kind services. No more than one representative of any organization shall be named to the Committee. The representative shall represent all interests of the organization and the region. The Committee acts in an advisory role to the AGENCIES for plan goals and priorities outreach and project

integration. Stakeholders need not be a member of the Committee to participate in the planning process. The Committee may become dormant or be disbanded if no planning efforts are ongoing or it is no longer needed.

5. The plan, application and related efforts provided for in this MOU aggregate, compile and integrate existing plans and documents as well as solicit new projects and programs. Nothing in these plans, documents or actions, limits the authority of the AGENCIES or their powers or modifies any of the referenced plans, ordinances or actions of the AGENCIES, committee members or stakeholders.

6. Nothing contained within this MOU binds the parties beyond the scope or term of this MOU unless specifically documented in subsequent MOU amendments or contracts. Moreover, this MOU does not require any commitment of funding beyond those voluntarily committed by separate board actions but recognizes in-kind contributions of AGENCIES and stakeholders.

7. The AGENCIES cannot be assured of the results or success of the IRWM plan and application for funding. Nothing within this MOU should be construed as creating a promise or guarantee of future funding nor shall any liability accrue to the AGENCIES from any third party or one of the AGENCIES should funding not be forthcoming. Nor shall any additional liability accrue to RCWD by its willingness to act as lead for contracting and application on behalf of the AGENCIES.

8. This MOU may be terminated by any of the AGENCIES with 120 days notice to all AGENCIES and stakeholders. The term of this MOU is from its effective date shown above to December 31, 2015, unless extended or replaced by other agreements.

9. Withdrawal of AGENCIES or addition of other agencies not included will be allowed with the concurrence of the parties and upon execution of this agreement's terms by their governing board.

10. Any notices sent or required to be sent to any party shall be mailed to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501

COUNTY OF RIVERSIDE
4080 Lemon Street, 14th Floor
Riverside, CA 92501-3656

RANCHO CALIFORNIA WATER DISTRICT
42135 Winchester Road
Temecula, CA 92590

11. Each AGENCY, to the fullest extent permitted by law, shall defend, indemnify and hold harmless the other AGENCIES, their consultants, and each of their directors, officers, agents, and employees from and against all liability, claims, damages, losses, expenses and other costs including costs of defense and attorneys' fees, arising out of or resulting from or in connection with the performance of the work performed pursuant to this MOU; such obligation shall not apply to any loss, damage or injury, as may be caused solely and exclusively by the fault or negligence of an AGENCY.

12. This MOU is to be construed in accordance with the laws of the State of California.

13. If any provision of this MOU is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall be declared severable and shall be given full force and effect to the extent possible.

14. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by this MOU shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for change of venue in such proceedings to any other county.

15. This MOU is the result of negotiations between the parties hereto and with the advice and assistance of their respective counsel. No provision contained herein shall be construed against DISTRICT solely because, as a matter of convenience, it prepared this MOU in final form.

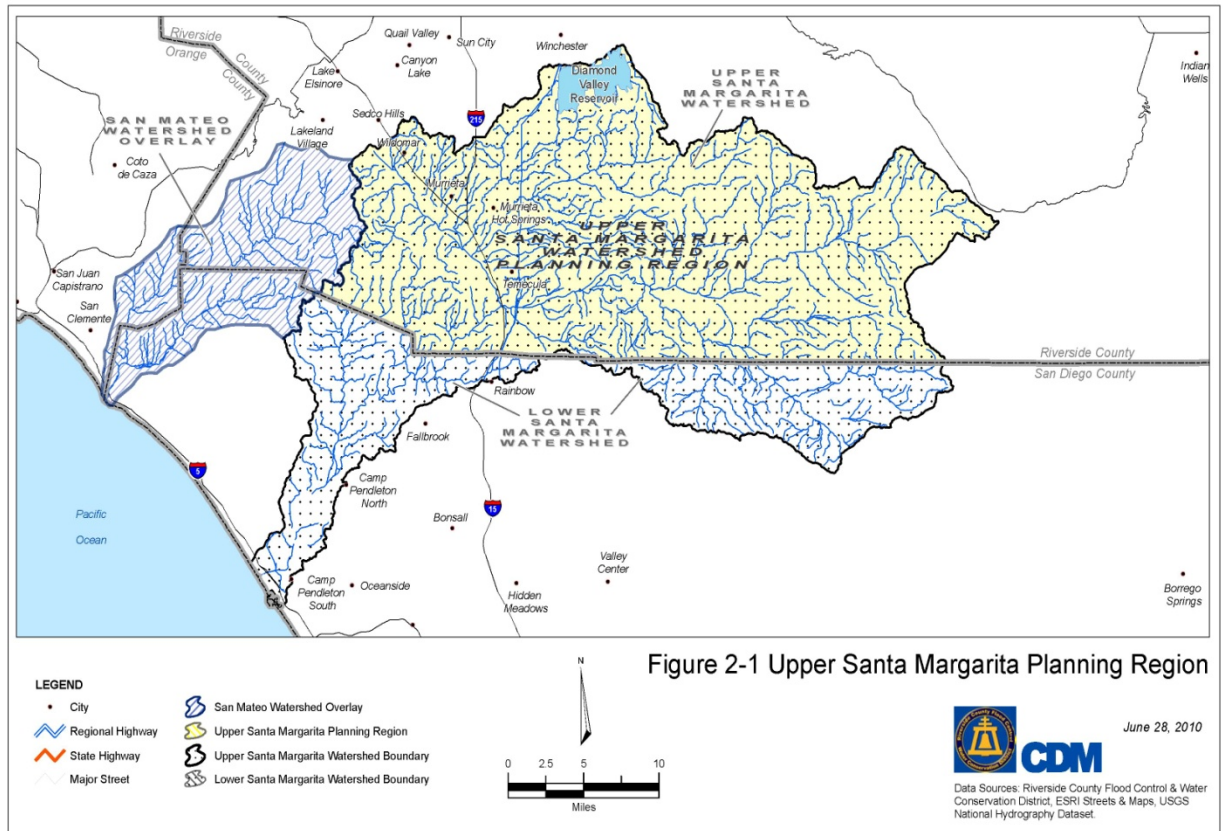
16. Any waiver by AGENCIES of any breach by the other of any one or more of the terms of this MOU shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of any of the respective AGENCIES to require from the others exact, full and complete compliance with any terms of the MOU shall not be construed as in any manner changing the terms hereof, or stopping the respective AGENCIES from enforcement hereof.

17. This MOU may be executed and delivered in any number of counterparts or copies, hereinafter called "COUNTERPART", by the parties hereto. When each party has signed and delivered at least one COUNTERPART to the other parties hereto, each COUNTERPART shall be deemed an original and, taken together, shall constitute one and the same MOU, which shall be binding and effective as to the parties hereto.

18. This MOU is intended by the parties hereto as their final expression with respect to the matters herein, and is a complete and exclusive statement of the terms and conditions thereof. This MOU shall not be changed or modified except by the written consent of all parties hereto.

ATTACHMENT A

GEOGRAPHIC DESCRIPTION OF THE PLANNING REGION



RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By Marion Ashley
MARION ASHLEY, Chairman
Riverside County Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER_IHEM
Clerk of the Board

By David Huff
DAVID HUFF
Deputy County Counsel

By Kecia Harper
Deputy

Dated August 6, 2010 (SEAL)

RECOMMENDED FOR APPROVAL:

RANCHO CALIFORNIA WATER DISTRICT

By Matthew Stone
MATT STONE, General Manager

By Lisa Herman
LISA HERMAN, Board President

APPROVED AS TO FORM:

JAMES GILPIN
C. MICHAEL COWETT
Legal Counsel

ATTEST:

KELLI E. GARCIA
Secretary of the Board of Directors

By [Signature]

By Kelli E. Garcia

Memorandum of Understanding
NPDES – Santa Margarita IRWM

WHEN DOCUMENT IS FULLY EXECUTED RETURN
CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

AUG 31 2010
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By Stan Thomas
WARREN D. WILLIAMS
General Manager-Chief Engineer

By Marion Ashley
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel
By David Huff
DAVID HUFF
Deputy County Counsel

KECIA HARPER-IHEM
Clerk of the Board
By Kecia Harper-Ihem
Deputy

Dated _____

(SEAL)

AM:cw
P8/132612

Memorandum of Understanding
To Conduct Integrated Regional Water Management
Planning for the Upper Santa Margarita Watershed

AUG 31 2010 11.3